

Town of Tiburon STAFF REPORT

AGENDA ITEM _____



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TO: **DESIGN REVIEW BOARD**

FROM: **SCOTT PHILLIPS, ASSISTANT PLANNER**

SUBJECT: **26 REDDING COURT; FILE # 20635
SITE PLAN AND ARCHITECTURAL REVIEW TO EXPAND A DECK TO AN
EXISTING SINGLE-FAMILY DWELLING, WITH A VARIANCE FOR
REDUCED REAR YARD SETBACK**

MEETING DATE: **JANUARY 18, 2007** _____

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PROJECT DATA

ADDRESS: 26 REDDING COURT
OWNER: STEVEN & KATHRYN BIRER
APPLICANT: MICHAEL HECKMANN (ARCHITECT)
ASSESSOR'S PARCEL: 039-251-17
FILE NUMBER: 20635
LOT SIZE: 11,000 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: MEDIUM HIGH DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: DECEMBER 20, 2006

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303.

PROPOSAL

The applicant is requesting Design Review approval for the construction and reconfiguration of a new cantilevered deck and exterior stairs to an existing single-family dwelling located at 26 Redding Court. The remodel would also include the replacement of a window in the kitchen with a larger window and repositioning of the fence along the rear property line.

The lot coverage on the site would increase by 14 square feet to a total of 4,367 square feet. Town policy does not require a variance for excess lot coverage if the total lot coverage increases by less than 1% of the lot area.



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The proposed expansion of the deck would extend to within 8 feet 8 inches of the rear property line, in lieu of the 18 feet (20%) rear yard setback required in the RO-2 zone. Therefore, a variance is requested for a reduced rear yard setback.

ANALYSIS

Design Issues

The subject home is located on an irregularly shaped lot on the corner of Redding Court and Stewart Drive. The total lot area is 11,000 square feet, which is substandard for RO-2 (20,000 square feet) zoning.

There are a number of existing features in the rear yard that extend into the adjacent property's side yard including a portion of the deck as well as the exterior wooden steps accessing the deck. Other existing improvements within the rear yard include a fence and concrete pillars that arc into the adjacent property. Mature trees and landscaping between the two properties serve to filter the views between the two homes.

The owner of the subject home intends to bring the property into closer conformance with the zoning requirements and property lines. The proposal calls for the removal of the existing noncompliant deck and steps and extending the deck off the northwest corner of the residence.

The adjacent neighbor at 185 Stewart Drive is concerned about the possibility of their privacy being impacted by the proposal. Although mature landscaping exists between the two properties, windows from primary living space at 185 Stewart Drive face the proposed deck extension.

It would be possible to reposition the requested deck extension to the extreme northwest corner of the home thus eliminating the need for a variance for reduced rear yard setback. This would also bring the deck extension further away from the adjacent neighbors. The Design Review Board is encouraged to view the proposed deck from the neighboring home to determine if the deck would result in substantial privacy impact.

The applicant has stated that they would eventually like to reposition the existing fence along the rear property line. The re-alignment of the fence is not a part of this proposal and would carry a separate minor alteration permit process.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted variance for reduced rear yard setback.



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Variance

In order to grant the requested variance, the Board must make all of the following findings required by Section 4.03.05 of the Tiburon Zoning Ordinance:

1. ***Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

The subject property has an oddly shaped rectangular corner lot. The existing home is situated at an acute angle to the rear property line. The unusual shape creates special circumstances applicable to this property to which strict application of the rear yard setback would deprive the applicant of the development potential enjoyed by other residents in the vicinity.

2. ***The variance will not constitute a grant of special privileges, inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.***

Numerous other properties in the same or similar zones with similar lot configurations have been granted variances for reduced setbacks when no issues of proximity, privacy, or view blockage have affected adjacent residences. Granting the reduced rear yard setback would not be a special privilege inconsistent with properties in the vicinity.

3. ***The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.***

The strict application of the rear yard setback requirement would result in an unnecessary hardship in this case because the shape of the lot and the location of the existing home create a unique situation that makes it more difficult to comply with the rear yard setback requirement.

4. ***The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.***

As proposed, the reduced rear yard setback variance would have the potential to adversely impact the privacy of the adjacent neighboring home to the north. No potential view impacts are associated with this proposal.

Public Comment

As noted above, the adjacent neighbor at 185 Stewart Drive has raised issues regarding possible impacted privacy from the proposed deck, and has stated that she would like the Board to conduct a site visit at her residence.

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RECOMMENDATION

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles for Design Review) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with Staff's conclusions, and can make the necessary findings to approve the requested variance, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS:

1. Conditions of approval
2. Application and supplemental materials
3. Findings to Support Variance to Setback Requirements
4. Letter to the Design Review Board
5. Letter from Catherine Gershbein at 185 Stewart
6. Submitted plans

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CONDITIONS OF APPROVAL 26 REDDING COURT FILE #20635

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on December 6, 2006, or as amended by these conditions of approval. Any modifications to the plans of December 6, 2006, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.